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ORIGINAL

February 2, 2005

**By Hand Delivery**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

RECEIVED

FEB - 3 2005

Federal Communications Commission  
Office of Secretary

**Re: Ex Parte Notice in CS Docket No. 98-120**


Dear Ms. Dortch:

On February 3, 2005, the undersigned spoke by phone with Matthew Brill, Senior Legal Advisor to Commissioner Kathleen Abernathy, about (1) the constitutional issues involved in this matter and (2) the interrelationship between a hard give-back date for broadcasters' analog channels and the digital carriage issues that the Commission seems poised to reach on February 10.

Pursuant to Section 1.1206(b) of the Commission's Rules, an original and one copy of this letter are being submitted to the Secretary's office, with a copy to Mr. Brill.

Please direct any questions regarding this notice to the undersigned.

Respectfully submitted,

  
Jonathan D. Blake

cc: Matthew Brill, Esquire

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